



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

MAR 12 2012

Mr. James Moore, P.E., Manager
Water Quality Assessment Section (MC-150)
Texas Commission on Environmental Quality (TCEQ)
P.O. Box 13087
Austin, TX 78711-3087

Dear Mr. Moore:

The Environmental Protection Agency (EPA) has completed its technical review of the site-specific copper criteria study, which was recently submitted to EPA for review and approval. The site-specific criteria apply to a portion of Lynn Bayou in Calhoun County. EPA guidance allows states to develop site-specific criteria for waters for which statewide water quality criteria may not be appropriate.

Under Texas Pollutant Discharge Elimination System (TPDES) permit number 10251-001 (NPDES TX0047562), the City of Port Lavaca is authorized to treat and discharge wastewater to Lynn Bayou, thence to segment 2453 – Lavaca Bay/Chocolate Bay. According to §307.4(h)(3) of the *Texas Surface Water Quality Standards* (TX WQS), Lynn Bayou is an unclassified water body with a high quality aquatic life use and a primary contact recreation use. Segment 2453 is designated with the following uses: exceptional aquatic life, oyster waters, and primary contact recreation.

The City of Port Lavaca has recently completed a water effect ratio (WER) study for copper. Prior to conducting the study, the facility prepared a work plan, which was reviewed by TCEQ and EPA. The WER study was performed using laboratory water and simulated downstream water (consisting of 52% effluent from outfall 001 and 48% upstream receiving water) to determine if site-specific water quality criteria would be more appropriate than the statewide copper criteria.

Our review of the final WER study indicates that the statewide water quality criteria for copper may be adjusted to account for site-specific physical and chemical interactions which mitigate the toxicity of copper to aquatic organisms. The methodology used to determine the site-specific criteria is consistent with EPA's guidance titled *Streamlined Water-Effect Ratio Procedure for Discharges of Copper* (EPA 822-R-01-005). Final WERs of 1.57 for dissolved copper and 2.54 for total copper were calculated from toxicity tests conducted with an invertebrate species (*Mysidopsis bahia*). However, in order for EPA to take a formal approval action under §303(c) of the Clean Water Act for this site-specific water quality standards revision, fulfillment of the public participation requirements found at 40 CFR Part 25 is necessary. The public participation process may be completed through the next revision of the TX WQS or through the next permit application process, consistent with §307.6(c)(9) of the TX WQS.

If you should have any questions, please call me at (214) 665-6644 or have your staff contact Diane Evans at (214) 665-6677.

Sincerely,

For Philip A. Crocker
Chief

Watershed Management Section (6WQ-EW)

cc: Michael Pfeil, TCEQ - Water Quality Assessment Section (MC-150)
Debbie Miller, TCEQ - Standards Group (MC-234)